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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMPUTER SCIENCES CORPORATION,

Plaintiff,

-against-

ENDURANCE RISK SOLUTIONS ASSURANCE CO.,
HOMELAND INSURANCE COMPANY OF NEW YORK,
ASPEN INSURANCE UK LIMITED, ASPEN INSURANCE
LIMITED FOR AND ON BEHALF OF LLOYD'S
UNDERWRITER SYNDICATE NO. 4711, ASPEN
UNDERWRITER LIMITED FOR AND ON BEHALF OF
LLOYD'S UNDERWRITER SYNDICATE, ASPEN
MANAGING AGENCY LIMITED FOR AND ON BEHALF
OF LLOYD'S UNDERWRITER SYNDICATION NO. 4711,
and LLOYD'S UNDERWRITER SYNDICATE NO. 4711,

Defendants.

1:20-cv-01580-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

A federal court has a “continuing obligation to satisfy [itself] that federal jurisdiction over the matter before [it] is proper.” *Filsaime v. Ashcroft*, 393 F.3d 315, 317 (2d Cir. 2004). At the initial pre-trial conference held on January 18, 2022, the Court raised with the parties that it is unable to satisfy itself that subject matter jurisdiction exists because the complaint does not adequately allege the citizenship of one of the parties in this action, specifically the underwriters from Lloyd’s of London who are members of the Underwriting Syndicate No. 4711.

Special issues arise in a diversity case in which an underwriter from Lloyd’s of London is one of the parties to a case.

[T]he London market at “Lloyd’s” refers to two distinct institutions: First, a corporation incorporated by the Lloyd’s Act 1871 as the Society and Corporation of Lloyd’s. The Corporation is the executive and administrative arm of the Society. Lloyd’s underwriters (or “Names,” as they are called) must be members of the Society, but the Society does not itself write insurance or accept liability for the business transacted by its members. Second, the

terms “Lloyd’s” and “Lloyd’s of London” are commonly used to refer to an insurance market operating in London. This market predates the Society.

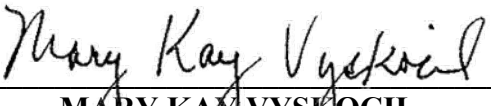
E.R. Squibb & Sons, Inc. v. Accident & Cas. Ins. Co., No. 82 CIV. 7327JSM, 1999 WL 350857, at *2 (S.D.N.Y. June 2, 1999), *aff’d sub nom. E.R. Squibb & Sons, Inc. v. Lloyd’s & Companies*, 241 F.3d 154 (2d Cir. 2001). Lloyd’s syndicates are unincorporated groups of underwriting members or “Names,” many of whom are United States citizens. *Id.* at *3. No underwriting is done by Lloyd’s and no underwriting is done by a syndicate. Rather, “[a]ll underwriting at Lloyd’s is performed by the underwriting members of Lloyd’s in their individual capacities.” *Alexander & Alexander Servs., Inc. v. Lloyd’s Syndicate* 317, 902 F.2d 165, 166 (2d Cir. 1990). As such, when “a Lloyd’s lead underwriter is sued in a representative capacity (but not in a class action) each and every Name whom the lead underwriter represents must be completely diverse.” *E.R. Squibb & Sons, Inc. v. Accident & Cas. Ins. Co.*, 160 F.3d 925, 939 (2d Cir. 1998).

The Complaint does not reflect the identity or the citizenship of any of the Names participating on Defendant Syndicate 4711. Plaintiff’s counsel advised that it has served Requests for Admission with respect to the identity and citizenship of the Defendant Names.

IT IS HEREBY ORDERED that on or before February 1, 2022, plaintiff must amend its complaint to allege, or file a stipulation with respect to, the existence of subject matter jurisdiction which addresses the citizenship of the Names of the Lloyd’s Underwriters in this matter. **FAILURE TO DO SO MAY RESULT IN THE DISMISSAL OF THIS ACTION FOR A LACK OF SUBJECT MATTER JURISDICTION.**

SO ORDERED.

Date: January 18, 2022
New York, NY



MARY KAY VYSKOCIL
United States District Judge